

House File 396 - Introduced

HOUSE FILE 396
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 107)

A BILL FOR

1 An Act concerning the review, approval, and establishment of
2 county supervisor districting plans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 49.8, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. If city population data certified by the United States
4 bureau of the census following the federal decennial census
5 is revised and the revision is certified by the United
6 States bureau of the census, such revisions may be used
7 to revise precinct and ward boundaries in accordance with
8 the requirements of sections 49.3 and 49.5. The board of
9 supervisors shall determine whether such revised population
10 data affects the population equality of supervisor districts.
11 If necessary, the temporary county redistricting commission
12 shall be reconvened, notwithstanding section 331.210A,
13 subsection 4, and supervisor districts shall be revised
14 in accordance with the requirements of section 331.210A,
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2013, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2013, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2013, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2013, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2013, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. *Review and approval of plans.*

29 a. The plan adopted by the board of supervisors as provided
30 in subsection 2 shall be submitted to the state commissioner of
31 elections for review and approval. To facilitate this review,
32 each applicable temporary county redistricting commission
33 shall notify the state commissioner of elections when the
34 boundaries of supervisor districts will be changed or newly
35 divided pursuant to a change in the county representation plan,

1 shall provide documentation as to when the board of supervisors
2 approved the new supervisor district plan, shall provide a map
3 delineating the new boundary lines, and shall certify to the
4 state commissioner of elections the populations of the new
5 supervisor districts as determined under the latest federal
6 decennial census.

7 *b.* (1) The state commissioner shall reject a county
8 supervisor districting plan submitted to the state commissioner
9 if a valid petition alleging the plan was drawn for improper
10 political reasons as described in section 42.4, subsection 5,
11 and requesting that the legislative services agency prepare
12 the supervisor districting plan for the county is filed with
13 the state commissioner of elections, on a form prescribed by
14 the state commissioner, within thirty days after the plan is
15 approved by the board of supervisors. For purposes of this
16 subparagraph, a petition is a valid petition if signed by
17 eligible electors of the county equal in number to at least two
18 percent of the total votes cast in the county for the office of
19 governor at the last preceding general election for governor.
20 In addition, the petition shall include the signatures of the
21 eligible electors, a statement of their place of residence,
22 and the date on which they signed the petition. If a date of
23 signature on a petition is a date prior to the date the board
24 of supervisors approved the plan, the signature shall not be
25 counted.

26 (2) Upon determining that a valid petition has been filed
27 with the state commissioner, the state commissioner shall
28 notify the legislative council which shall, upon the request of
29 the state commissioner, direct the legislative services agency
30 to prepare a supervisor districting plan for the county. The
31 legislative services agency shall draw the plan, based to the
32 extent possible upon the precinct plan adopted and approved by
33 the state commissioner for use by the county, in accordance
34 with the standards of section 42.4, to the extent applicable,
35 and such other legal requirements applicable to county

1 supervisor districts. The legislative services agency shall
2 submit the plan to the board of supervisors for the county who
3 shall approve or reject the plan as expeditiously as possible,
4 but no later than thirty days after the plan is submitted. The
5 board of supervisors shall notify the state commissioner of the
6 action taken and, if the plan is rejected, provide the state
7 commissioner written reasons for the rejection of the plan. If
8 the plan is rejected, the state commissioner shall notify the
9 legislative council which shall, upon the request of the state
10 commissioner, direct the legislative services agency to prepare
11 a second supervisor districting plan for the county. The
12 legislative services agency shall draw the plan in accordance
13 with the standards for a supervisor districting plan as
14 described in this subparagraph and, insofar as it is possible
15 to do so within the requirements for a supervisor districting
16 plan, in accordance with the reasons cited by the board of
17 supervisors by resolution for the rejection of the first plan.
18 The legislative services agency shall submit the second plan to
19 the state commissioner who shall impose the plan on the county.

20 c. (1) If a valid petition as provided by paragraph "b" is
21 not filed with the state commissioner, the state commissioner
22 shall review the plan submitted and shall approve the plan
23 if the plan meets the standards of section 42.4, subsections
24 1 through 4, and such other legal requirements applicable to
25 county supervisor districts and precincts.

26 (2) If the state commissioner finds that the plan does
27 not meet the standards of section 42.4, subsections 1 through
28 4, and such other legal requirements applicable to county
29 supervisor districts or precincts, the state commissioner shall
30 reject the plan, and the board of supervisors shall direct the
31 commission to prepare and adopt an acceptable plan. If it is
32 necessary for the temporary county redistricting commission
33 to make subsequent attempts at adopting an acceptable plan
34 because the initial proposed district or precinct plan has been
35 rejected pursuant to this subparagraph, the subsequent plans

1 do not require public hearings.

2 *d.* Upon failure of a temporary county redistricting
3 commission to make the required changes in supervisor district
4 boundaries by the dates specified by sections 331.203,
5 331.204, and 331.209 as determined by the state commissioner
6 of elections, the state commissioner of elections shall make
7 or cause to be made the necessary changes as soon as possible,
8 and, except for a plan drawn pursuant to paragraph "b", shall
9 assess to the county the expenses incurred in so doing. The
10 state commissioner of elections may request the services of
11 personnel and materials available to the legislative services
12 agency to assist the state commissioner in making required
13 changes in supervisor district boundaries which become the
14 state commissioner's responsibility.

15 Sec. 7. Section 331.210A, subsection 4, Code 2013, is
16 amended to read as follows:

17 4. *Termination.* The terms of the members of the temporary
18 county redistricting commission shall expire twenty days
19 following the date the county's supervisor district plan and
20 corresponding precinct plan, if applicable, are approved or
21 imposed by the state commissioner of elections under ~~sections~~
22 section 49.7 and 331.209 this section.

23 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
24 2013, is amended to read as follows:

25 *h.* Provide for a representation plan for the governing body
26 which representation plan may differ from the representation
27 plans provided in section 331.206 and in chapter 372. If the
28 plan calls for representation by districts and the charter
29 has been approved in a county whose population is one hundred
30 eighty thousand or more, the plan shall be drawn pursuant to
31 section 331.210A, subsection 2, paragraph "f". The initial
32 representation plan for such a county shall be drawn as
33 provided in section 331.210A, subsection 2, paragraph "f",
34 within one hundred twenty days after the election at which the
35 charter is approved. For the initial representation plan,

1 the charter commission shall assume the role of the governing
2 body for purposes of this paragraph ~~and~~, section 331.210A,
3 subsection 2, paragraphs "~~d~~" ~~through~~ and "f", and section
4 331.210A, subsection 2A.

5 EXPLANATION

6 This bill concerns county supervisor districting plans.

7 Under current law, following adoption by the county
8 supervisors of a county supervisor districting plan, an
9 eligible elector from the county may file, within 14 days of
10 adopting the plan, a complaint with the state commissioner of
11 elections (the secretary of state), alleging that the plan was
12 drawn for improper political reasons. Once filed, current law
13 provides that the complaint be forwarded to the ethics and
14 campaign disclosure board for a determination of whether the
15 plan was improperly drawn.

16 The bill eliminates the complaint process relative to the
17 ethics and campaign disclosure board and the authority for the
18 state commissioner to reject a plan for improper political
19 reasons. Instead, the bill provides that if following the
20 adoption of a county supervisor district plan a valid petition
21 alleging that the plan was drawn for improper political reasons
22 is filed with the state commissioner of elections, the state
23 commissioner shall reject the plan and request the legislative
24 council to direct the legislative services agency to draw a
25 plan. The bill provides that the petition shall be filed
26 within 30 days after the adoption of the plan and shall be
27 signed by eligible electors of the county equal in number to
28 at least 2 percent of the total votes cast for the office of
29 governor in the county at the last preceding general election
30 for governor. To be counted, a signature shall not be dated
31 prior to the date the board of supervisors approved the plan.

32 The bill provides that once the state commissioner
33 determines that a valid petition has been filed and has made a
34 request to the legislative council, the legislative services
35 agency shall draw a proposed county supervisor districting

1 plan and submit the plan to the county board of supervisors
2 who shall approve or reject the plan within thirty days. If
3 the plan is rejected, the bill provides that the county shall
4 provide reasons for the rejection to the state commissioner
5 of elections and the state commissioner shall request the
6 legislative council to direct the legislative services agency
7 to draw a new county supervisor districting plan in accordance
8 with the reasons submitted to the extent they are consistent
9 with the requirements for county supervisor districting plans.
10 The bill provides that the second plan shall be imposed on the
11 county by the state commissioner.

12 The bill makes additional changes to relocate provisions
13 relative to the consideration, review, approval, and
14 imposition of county supervisor districting plans by the state
15 commissioner of elections to Code section 331.210A.